

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

TRENT THOMAS,)
)
Petitioner,)
)
v.) Case No. CIV-22-592-J
)
SCOTT CROW,)
)
Respondent.)

ORDER

Petitioner, a state prisoner appearing pro se, filed a Petition pursuant to 28 U.S.C. § 2254. [Doc. No. 1]. The matter was referred for initial proceedings to United States Magistrate Judge Shon T. Erwin consistent with 28 U.S.C. § 626(b)(1)(B), (C). Judge Erwin ordered Petitioner to either pay the \$5.00 filing fee or submit a motion for leave to proceed in forma pauperis and cautioned Petitioner that failure to respond could result in dismissal of the action. [Doc. No. 4]. Petitioner failed to take any action, and Judge Erwin has submitted a Report and Recommendation recommending the action be dismissed without prejudice. [Doc. No. 5]. Despite being told he must file an objection no later than August 25, 2022, Petitioner has not objected and has therefore waived any right to appellate review of the factual and legal issues in the Report and Recommendation. *See Casanova v. Ulibarri*, 595 F.3d 1120, 1123 (10th Cir. 2010).

Accordingly, the Court ADOPTS the Report and Recommendation [Doc. No. 5] and DISMISSES Petitioner's habeas petition without prejudice. Finally, a certificate of appealability is DENIED, as the Court concludes Petitioner has not made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED this 12th day of September, 2022.



BERNARD M. JONES
UNITED STATES DISTRICT JUDGE